

NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN

No. 00-101

TO:	All Public School Districts Participating in the National Special Milk Program, and State Meal Program County Superintendents of Schools	ISSUE DATE: February 2000
ATTENTION:	District Superintendents	
FROM:	School Nutrition Programs Unit	
SUBJECT:	Meal Waiver Information for Summer and Saturday School	
REFERENCE:	California Education Code (EC) Sections 33050, 33051(c), 49531, 49548, 49550, 49552, and 49553(a), and Title 5, Section 15510(a)	

This management bulletin provides forms and information about the waivers of California Education Code (EC) Section 49550 for summer and/or Saturday school sessions.

EC Section 49550 requires that “. . . school districts and county superintendents of schools maintaining any kindergarten or any of grades 1 to 12 shall . . . provide for each needy pupil enrolled therein one nutritionally adequate free or reduced price meal during each schoolday . . .” A needy child is defined in EC Section 49552 as one meeting federal eligibility criteria for free or reduced price meals.

Districts participating in the National School Lunch Program (NSLP) or the School Breakfast Program (SBP) must make meals available to **all** pupils in attendance. Districts that do not have a federal NSLP or SBP agreement are required to provide meals only to needy pupils. Also, districts must take precautions to prevent overt identification of needy pupils. The meals must meet the requirements of a nutritionally adequate lunch or breakfast as defined in EC Sections 49531 and 49553(a).

WAIVER INFORMATION

Districts unable to comply with EC Section 49550 must submit a local governing board approved waiver request to the California Department of Education (CDE). The attached “Specific Waiver Request” and “General Waiver Request” list the guidelines and criteria for approval of both summer and Saturday school waivers. Districts must also comply with the waiver processes described on the following pages. The waiver request forms, State Board of Education (SBE) criteria, and waiver processes are different for summer and Saturday school.

Districts must submit all waiver requests at least **two** months prior to the effective date of the waiver. Failure to submit a waiver request in a timely manner may result in denial. The attached “Schedule for Submission of Waivers” for the SBE reflects their submission deadlines.

Attached are the following meal waiver documents:

1. Waiver Process
2. Schedule for Submission of Waivers 2000
3. Specific Waiver Request – Summer School Session
4. General Waiver Request – Saturday School Session
5. Completed samples of a Specific and a General Waiver Request – Summer School and Saturday School

Please complete the appropriate waiver form and ensure that your request meets at least two of the four criteria required for approval. Districts will receive written notification of either approval or denial.

To expedite processing, mail **all** waiver requests to:

Judy Pinegar, Education Programs Consultant
California Department of Education
Waiver Office
721 Capitol Mall, Suite 609
Sacramento, CA 95814

If you have any questions, contact Kathy Smeltzer, Program Analyst, School Nutrition Programs Unit, at (916) 324-8796, or (800) 952-5609, or ksmeltze@cde.ca.gov.

Marilyn Briggs, Director
Nutrition Services Division
Assistant Superintendent of Public Instruction

Kathy B. Lewis
Deputy Superintendent
Child, Youth and Family Services Branch

The U.S. Department of Agriculture (USDA) and the California Department of Education's Nutrition Services Division (NSD) prohibit discrimination in all their programs and activities on the basis of race, color, national origin, gender, religion, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). The USDA and the NSD are equal opportunity providers and employers.

WAIVER PROCESS

Types of Waivers

A waiver is a means by which a local educational agency/district can seek relief from a legal requirement or prohibition. The local district's governing board must deem the action necessary and appropriate. The two types of waivers are "general" and "specific." A waiver is "general" when there is no California Education Code (EC) that provides guidelines for waiving the specific requirement or regulation from which the district is seeking relief. A "specific" waiver has guidelines in the EC that clearly state the requirements for obtaining a waiver. A summer school waiver request is specific because EC Section 49548 states the requirements for obtaining a waiver of EC Section 49550. A Saturday School Waiver is a general waiver request.

State Board of Education (SBE)

EC Section 33050(a) "The governing board of a school district or a county board of education may, on a district wide or county wide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, request the State Board of Education to waive all or part of any section of this code . . ."

Involvement of exclusive employee representative(s)

EC Section 33050(d) "Any request for a waiver submitted by the governing board of a school district or a county board of education pursuant to subdivision (a) shall include a written statement as to (1) whether the exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, participated in the development of the waiver, and (2) the exclusive representative's position regarding the waiver."

Reasons for denial by the SBE

EC Section 33051(a) "The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:

1. The educational needs of the pupils are not adequately addressed.
2. The waiver affects a program that requires the existence of a school site council and the school site council did not approve the request.
3. The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or the advisory committees.
4. Pupil or school personnel protections are jeopardized.
5. Guarantees of parental involvement are jeopardized.
6. The request would substantially increase state costs.
7. The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver."

Waiver Duration

1. Summer School:

EC Section 49548, which applies specifically and solely to summer school waivers, states in part that waivers shall be granted for a period not to exceed one year.

2. Saturday School:

A Saturday school waiver is a general waiver granted for no more than two years. If the information contained on the original request remains current, EC Section 33051(c) allows a general waiver that was granted for two consecutive years to become permanent. Districts need not reapply if conditions remain unchanged. EC Section 33051(c) **does not** apply to summer school waivers.

Position of the bargaining unit

All waiver requests must state whether the district consulted with the certificated and/or classified bargaining units as appropriate, in developing the request, and must state the position, if any, of those units. Although bargaining unit support is not a required condition of SBE approval, the request should reflect the district's efforts to involve any affected bargaining units. Attach an explanation if an affected unit was not contacted.

Advisory Committees

Consult with any committee(s) or council(s) with an interest in the waiver. Summarize any objections on an attachment.

Procedure for advertising public hearing

Before the SBE can consider general waivers, e.g., Saturday school, the local board must conduct a public hearing on the waiver request. A public hearing is not

simply a board meeting. It is a properly noticed public hearing (that may be held during a board meeting) during which the public may testify on the waiver proposal. Distribution of a local board agenda **does not** constitute a notice of a public hearing. Acceptable ways to advertise include but are not limited to: (1) printing a notice that includes the date, time, location, and subject of the hearing in a local newspaper of general circulation; or (2) in small school districts, posting a formal notice at each school and three public places in the district (modeled after EC Section 5362). Specific waivers, e.g., summer school do not require a public hearing.

Sample PUBLIC NOTICE

The XYZ School District is considering submission of a waiver of the State Meal Mandate. If approved, the district will be relieved of the responsibility to serve meals to students during Saturday school. A public hearing on the waiver proposal is scheduled for 7:00 p.m., January 11, 2000, in the Board Chambers, 222 School Street. Interested members of the public may address the board on the waiver proposal at that time.

Local Board Approval or Public Hearing

The local board approval or public hearing must occur before the SBE can consider the request. However, to meet CDE due dates, you may submit the request prior to the public hearing or local board meeting if you enter the date these meetings are to be scheduled. CDE will verify local board approval before submission of the waiver request to the SBE.

For assistance, contact the School Nutrition Programs Unit at either (916) 323-1580 or (800) 952-5609.

SCHEDULE FOR SUBMISSION OF WAIVERS 2000

The following lists the dates the California Department of Education (CDE) must receive complete waiver requests for submission to the corresponding State Board of Education meetings.

<u>STATE BOARD MEETING DATES</u>	<u>WAIVER REQUESTS DUE TO CDE*</u>
January 12 – 14, 2000	November 19, 1999
February 9 – 11, 2000	December 22, 1999
March 8 – 10, 2000	January 21, 2000
April 12 – 14, 2000	February 22, 2000
May 10 – 12, 2000	March 24, 2000
June 7 – 9, 2000	April 21, 2000
July 12 – 14, 2000	May 19, 2000
August 2000	No meeting scheduled
September 6 – 8, 2000	July 21, 2000
October 11 – 13, 2000	August 18, 2000
November 8 – 10, 2000	September 20, 2000
December 6 – 8, 2000	October 20, 2000

* The receipt of the waiver by the date indicated **does not guarantee** scheduling of the waiver for the next board meeting indicated. Timelines are dependent on: your waiver being error free, on the right forms, with all blanks completed, and the availability of district staff to answer questions.

SPECIFIC WAIVER REQUEST – SUMMER SCHOOL SESSION

Check one of the request types below:

☐ Original **OR** ☐ Renewal (Renewal requests may be submitted if an approved summer school meal waiver was in effect during the prior summer.)

EDUCATION CODE SECTION 49550 – STATE MEAL MANDATE “Notwithstanding any other provision of law, each school district and county superintendent of schools maintaining any kindergarten or any of grades 1 to 12 shall, commencing on July 1, 1977, provide each needy pupil enrolled therein one nutritionally adequate free or reduced price meal during each school day . . .”.

Mail original to: Judy Pinegar, Education Programs Consultant Waiver Office 721 Capitol Mall, Suite 609 Sacramento, CA 95814 Phone: (916) 654-6853	AGREEMENT NO:	SCHOOL/AGENCY NAME:
	ADDRESS:	
	CITY:	STATE: ZIP:
	CONTACT PERSON:	
	TELEPHONE:	

Part I Position of bargaining unit (Not required for non-controversial RENEWAL request)

Does the district have any bargaining unit(s) that are affected by this request? ☐ Yes ☐ No

Was each bargaining unit consulted regarding this request? ☐ Yes Date _____ ☐ No

If “Yes,” what was the position of the bargaining unit(s)? ☐ Neutral ☐ Support ☐ Other

If “Other,” summarize the position: _____

If existing unit(s) was/were not consulted, please justify: _____

Part II Controversy regarding the waiver (Not required for ORIGINAL request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? ☐ Yes ☐ No

Effective period of request: (actual summer session dates) From: _____ to _____ Local Board Approval Date: _____ District Certification: I certify that the information provided on this request is correct and complete. _____ Signature (Superintendent or designee) _____ Title	FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY
	Scheduled for SBE: _____ Waiver No: _____
	NSD Recommendation <input type="checkbox"/> Approve <input type="checkbox"/> Deny
	Staff: _____ Date: _____
	Unit Manager: _____ Date: _____
	Director: _____ Date: _____
	Deputy: _____ Date: _____

STATE BOARD GUIDELINES

EC Section 49550 requires that all needy children be provided a nutritionally adequate free or reduced price breakfast or lunch during each school day. After careful consideration, districts may request a waiver of this requirement. EC Section 49548 provides authority to waive EC Section 49550 for the summer school session. A summer meal waiver may be granted for up to one year if the district seeking a waiver meets at least two of the four criteria listed below. **If any two conditions exist, a waiver will be granted. If less than two criteria exist, a waiver will be denied.** Subsequent annual renewals may be granted if a waiver was approved for the prior summer and circumstances have not changed.

CRITERIA

The summer school session is less than four hours in duration and is completed by noon (12:00 p.m.), allowing pupils to go home during the lunch period.

Less than 10 percent of the needy pupils attending the summer session are at the school site for more than three hours per day.

A Summer Food Service Program for children is available within the school's attendance area.

Serving meals during the summer school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources or if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

1. What is the proposed start time of the summer school day? _____
What is the proposed ending time of the summer school day? _____
2. What is the estimated number of **needy** students enrolled in summer school? (1) _____
How many of the estimated number of needy students indicated in (1) will be at the site(s) for more than three hours per day? (2) _____
3. Is there a USDA Summer Food Service Program site available within the school's attendance area? Yes _____ No _____ If yes, how far is the Summer Food Service Program site from the summer school site(s)? _____ (Enter distance as block, mile, etc.)
Will transportation be provided if the Summer Food Service Program site is not within walking distance from each of the summer school sites? Yes _____ No _____
4. If meals are provided during summer school, will the district suffer a financial loss?
Yes _____ No _____
If "Yes," will the loss equal:
_____ One-third of the food service net cash resource, or
_____ One month's operating costs. (Net cash resources are nonexistent)
To describe this loss, answer **each** of the following three questions:
 - 1) What is your Food Service Net Cash Resource (Cafeteria Fund balance)
\$ _____ (Enter a positive or negative amount or zero.)
 - 2) What is your estimated monthly cost to operate a lunch or breakfast program during summer school? \$ _____
 - 3) What is your estimated monthly income from state and federal reimbursement and other food sales for summer school? \$ _____
5. Please list each of the sites that will be offering summer school this year.

(Please attach an additional list if needed) _____

GENERAL WAIVER REQUEST – SATURDAY SCHOOL SESSION

Check one of the request types below:

☐ Original **OR** ☐ Renewal (Renewal requests may be submitted if the current Saturday school waiver has not elapsed.)

Special Note: Districts/County Offices of Education with approved Saturday school meal waivers for the past two consecutive years need not reapply annually provided the information contained on the most recent waiver request remains current [EC Section 33051(c)].

Mail original to: Judy Pinegar, Education Programs Consultant Waiver Office 721 Capitol Mall, Suite 609 Sacramento, CA 95814 Phone: (916) 654-6853	AREEMENT NO:	SCHOOL/AGENCY NAME:
	ADDRESS:	
	CITY:	STATE: ZIP:
	CONTACT PERSON:	
	TELEPHONE:	

Part I Position of bargaining unit (Not required for non-controversial RENEWAL request)

Does the district have any bargaining unit(s) that are affected by this request? ☐ Yes ☐ No

Was each bargaining unit consulted regarding this request? ☐ Yes Date _____ ☐ No

If "Yes," what was the position of the bargaining unit(s)? ☐ Neutral ☐ Support ☐ Other

If "Other," summarize the position: _____

If existing unit(s) was/were not consulted, please justify: _____

Part II Public Hearing (Not required for non-controversial RENEWAL request)

Date of required public hearing: _____

How was the public hearing advertised? ☐ Notice in Newspaper ☐ Notice posted at each site

☐ Other, please explain: _____

Part III Advisory Committee (Not required for non-controversial RENEWAL request)

Council or committee, if any, that reviewed this waiver request: _____

Date the council/committee reviewed this request: _____

If there were any objections, please summarize: _____

Part IV Controversy regarding the waiver (Not required for ORIGINAL request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? ☐ Yes ☐ No

Effective period of request: (not to exceed two years) From: _____ to _____ Local Board Approval Date: _____ District Certification: I certify that the information provided on this request is correct and complete. _____ Signature (Superintendent or designee) _____ Title	FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
	Scheduled for SBE:	Waiver No:
	NSD Recommendation <input type="checkbox"/> Approve <input type="checkbox"/> Deny	
	Staff:	Date:
	Unit Manager:	Date:
	Director:	Date:
	Deputy:	Date:

STATE BOARD GUIDELINES

EC Section 49550 requires that all needy children be provided a nutritionally adequate free or reduced price breakfast or lunch during each school day. After careful consideration, a district may request a waiver of this requirement. EC Section 33050 provides authority to waive EC Section 49550 for Saturday school. The district seeking a waiver must meet at least two of the four criteria listed below. **If any two conditions exist, a waiver will be granted.** Saturday school waivers may be granted for a two-year period. A Saturday school waiver that is granted for two consecutive years remains effective indefinitely, provided that the information contained on the original request remains current.

CRITERIA

The Saturday school session is of less than four hours in duration and is completed by noon (12:00 p.m.), allowing pupils to go home during the lunch period.

Less than 10 percent of the needy pupils attending the Saturday session are at the school site for more than three hours per day.

The Saturday school site does not have proper refrigeration facilities to store meals prepared on Friday and served on Saturday.

Serving meals during the Saturday school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources.

1. What is the proposed start time of the Saturday school day? _____
What is the proposed ending time of the Saturday school day? _____
2. What is the estimated number of **needy** students enrolled in Saturday school session?
(1)_____ How many of the estimated number of needy students indicated in (1) will be at the site(s) for more than three hours per day? (2)_____
3. Do all Saturday school sites have refrigeration facilities? Yes _____ No _____
4. Will the district suffer a financial loss if meals are provided during Saturday school?
Yes _____ No _____

If "Yes", will the loss equal one-third of the Food Service Net Cash Resource (Cafeteria Fund balance)? To describe this loss, answer **each** of the following three questions:
 - 1) What is your current Food Service Net Cash Resource (Cafeteria Fund balance)?
_____ (Enter a positive or negative amount or zero.)
 - 2) What is your estimated cost to operate the lunch or breakfast program on Saturdays? \$

 - 3) What is your estimated monthly income from state and federal reimbursements and other food sales for Saturday school? _____
5. Please list **all** sites that will be offering Saturday school this year.
(Please attach an additional list if needed) _____

SPECIFIC WAIVER REQUEST – SUMMER SCHOOL SESSION

Check one of the request types below:

☒ Original **OR** ☐ Renewal (Renewal requests may be submitted if an approved summer school meal waiver was in effect during the prior summer.)

EDUCATION CODE SECTION 49550 – STATE MEAL MANDATE “Notwithstanding any other provision of law, each school district and county superintendent of schools maintaining any kindergarten or any of grades 1 to 12 shall, commencing on July 1, 1977, provide each needy pupil enrolled therein one nutritionally adequate free or reduced price meal during each school day . . .”.

Mail original to: Judy Pinegar, Education Programs Consultant Waiver Office 721 Capitol Mall, Suite 609 Sacramento, CA 95814 Phone: (916) 654-6853	AGREEMENT NO: 61-60123-0000000-01	SCHOOL/AGENCY NAME: XYZ School District	
	ADDRESS: 400 Best Street		
	CITY: Anywhere	STATE: CA	ZIP: 96789
	CONTACT PERSON: B. Helpful		
	TELEPHONE: (916) 111-9999		

Part I Position of bargaining unit (Not required for non-controversial RENEWAL request)

Does the district have any bargaining unit(s) that are affected by this request? ☒ Yes ☐ No

Was each bargaining unit consulted regarding this request? ☒ Yes Date 12-14-99 ☐ No

If “Yes,” what was the position of the bargaining unit(s)? ☐ Neutral ☒ Support ☐ Other

If “Other,” summarize the position: _____

If existing unit(s) was/were not consulted, please justify: _____

Part II Controversy regarding the waiver (Not required for ORIGINAL request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? ☐ Yes ☐ No

Effective period of request: (actual summer session dates)	FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
From: <u>6-12-2000</u> to <u>7-21-2000</u>	Scheduled for SBE:	Waiver No:
Local Board Approval Date: <u>1-11-2000</u>	NSD Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Deny	
District Certification: I certify that the information provided on this request is correct and complete. <u>B. Helpful</u> Signature (Superintendent or designee) <u>Assistant Superintendent</u> Title	Staff:	Date:
	Unit Manager:	Date:
	Director:	Date:
	Deputy:	Date:

STATE BOARD GUIDELINES

EC Section 49550 requires that all needy children are provided a nutritionally adequate free or reduced price breakfast or lunch during each school day. After careful consideration, districts may request a waiver of this requirement. EC Section 49548 provides authority to waive EC Section 49550 for the summer school session. A summer meal waiver may be granted for up to one year if the district seeking a waiver meets at least two of the four criteria listed below. **If any two conditions exist, a waiver will be granted. If less than two criteria exist, a waiver will be denied.** Subsequent annual renewals may be granted if a waiver was approved for the prior summer and circumstances have not changed.

CRITERIA

The summer school session is less than four hours in duration and is completed by noon (12:00 p.m.), allowing pupils to go home during the lunch period.

Less than 10 percent of the needy pupils attending the summer session are at the school site for more than three hours per day.

A Summer Food Service Program for Children site is available within the school's attendance area.

Serving meals during the summer session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

1. What is the proposed start time of the summer school day? 8:00 a.m.
What is the proposed ending time of the summer school day? 12:00 (noon) **CRITERION NOT MET.**
2. What is the estimated number of **needy** students enrolled in summer school? (1) 20
How many of the estimated number of needy students indicated in (1) will be at the site(s) for more than three hours per day? (2) 20 **CRITERION NOT MET.**
3. Is there a USDA Summer Food Service Program for Children site available within the school's attendance area? Yes ☒ No ☐ If yes, how far is the Summer Food Service Program site from the summer school site(s)? 2 - 4 blocks
Will transportation be provided if the Summer Food Service Program site is not within walking distance from each of the summer school sites? Yes ☐ No ☒ **CRITERION MET.**
4. If meals are provided during summer school, will the district suffer a financial loss?
Yes ☒ No ☐ If "Yes," will the loss equal:
X One-third of the food service net cash resource, or
 One month's operating costs (net cash resources are nonexistent).
CRITERION MET.
To describe this loss, answer **each** of the following three questions:
 - 1) What is your Food Service Net Cash Resource (Cafeteria Fund balance)?
\$ 3,000 (Enter a positive or negative amount or zero.)
 - 2) What is your estimated monthly cost to operate a lunch or breakfast program during summer school? \$ 1,800
 - 3) What is your estimated monthly income from state and federal reimbursement and other food sales for summer school? \$ 200
5. Please list each of the sites that will be offering summer school this year.
XYZ Elementary School and MNO Middle School

GENERAL WAIVER REQUEST – SATURDAY SCHOOL SESSION

Check one of the request types below:

■ Original **OR** □ Renewal (Renewal requests may be submitted if the current Saturday school waiver has not elapsed.)

Special Note: Districts/County Offices of Education with approved Saturday school meal waivers for the past two consecutive years need not reapply annually provided the information contained on the most recent waiver request remains current [EC Section 33051(c)].

Mail original to: Judy Pinegar, Education Programs Consultant Waiver Office 721 Capitol Mall, Suite 609 Sacramento, CA 95814 Phone: (916) 654-6853	AGREEMENT NO: 61-60123	SCHOOL/AGENCY NAME: ABC High School District	
	ADDRESS: 401 Best Street		
	CITY: Anywhere	STATE: CA	ZIP: 96789
	CONTACT PERSON: B. Helpful		
	TELEPHONE: (916) 111-9999		

Part I Position of bargaining unit (Not required for non-controversial RENEWAL request)

Does the district have any bargaining unit(s) that are affected by this request? ■ Yes □ No

Was each bargaining unit consulted regarding this request? ■ Yes Date 12-9-99 □ No

If "Yes," what was the position of the bargaining unit(s)? □ Neutral ■ Support □ Other

If "Other," summarize the position: _____

If existing unit(s) was/were not consulted, please justify: _____

Part II Public Hearing (Not required for non-controversial RENEWAL request)

Date of required public hearing: 12-14-99

How was the public hearing advertised? □ Notice in Newspaper ■ Notice posted at each site

□ Other, please explain: _____

Part III Advisory Committee (Not required for non-controversial RENEWAL request)

What council or committee, if any, reviewed this waiver request: There is no council or committee with an interest. Date the council/committee reviewed this request: _____

If there were any objections, please summarize: _____

Part IV Controversy regarding the waiver (Not required for ORIGINAL request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? □ Yes □ No

Effective period of request: (not to exceed two years) From: <u>9-9-2000</u> to <u>5-20-2002</u> Local Board Approval Date: <u>1-11-2000</u> District Certification: I certify that the information provided on this request is correct and complete. <u>B. Helpful</u> Signature (Superintendent or designee) <u>Assistant Superintendent</u> Title	FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
	Scheduled for SBE:	Waiver No:
	NSD Recommendation □ Approve □ Deny	
	Staff:	Date:
	Unit Manager:	Date:
	Director:	Date:
	Deputy:	Date:

STATE BOARD GUIDELINES

EC Section 49550 requires that all needy children be provided a nutritionally adequate free or reduced price breakfast or lunch during each school day. After careful consideration, a district may request a waiver of this requirement. EC Section 33050 provides authority to waive EC Section 49550 during Saturday school. The district seeking a waiver must meet at least two of the four criteria listed below. **If any two conditions exist, a waiver will be granted.** Saturday school waivers are/may be granted for a two-year period. A Saturday school waiver that is granted for two consecutive years remains effective indefinitely, provided that the information contained on the original request remains current.

CRITERIA

The Saturday school session is less than four hours in duration and is completed by noon (12:00 p.m.), allowing pupils to go home during the lunch period.

Less than 10 percent of the needy pupils attending the Saturday session are at the school site for more than three hours per day.

The Saturday school site does not have proper refrigeration facilities to store meals prepared on Friday and served on Saturday.

Serving meals during the Saturday school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources.

1. What is the proposed start time of the Saturday school day? 8:00 a.m.
What is the proposed ending time of the Saturday school day? 11:45 a.m. **CRITERION MET.**
2. What is the estimated number of **needy** students enrolled in Saturday school session?
(1) 15 How many of the estimated number of needy students indicated in (1) will be at the site(s) for more than three hours per day? (2) 15 **CRITERION NOT MET.**
3. Do all Saturday school sites have refrigeration facilities? Yes X No **CRITERION MET.**
4. Will the district suffer a financial loss if meals are provided during Saturday school?
Yes No X **CRITERION NOT MET.**
If "Yes", will the loss equal one-third of the Food Service Net Cash Resource (Cafeteria Fund balance)? To describe this loss, answer **each** of the following three questions:
 - 1) What is your current Food Service Net Cash Resource (Cafeteria Fund balance)?
\$ (Enter a positive or negative amount or a zero.)
 - 2) What is your estimated cost to operate the lunch or breakfast program on Saturdays?
\$
 - 3) What is your estimated monthly income from state and federal reimbursements and other food sales for Saturday school? \$
5. Please list **all** sites that will be offering Saturday school this year.
ABC High School